



April 2003

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PUBLIC RECORD



CONTROLS?

## Public Records on the Edge

Counties nationwide have struggled with electronic public record responses. Some examples are:

- **The Nassau County Clerk is under fire for blocking County employee remote access to Nassau Vital Records, causing delays in government operations**
- **The Allegheny County Recorder's \$100/ month subscription fee is being challenged under Pennsylvania Open Records Laws**
- **A national insurance company paid \$1 million to the California DMV for improperly using drivers' confidential records**
- **Yellowstone County officials are reassessing the level of Internet access to public records after a rise in identity theft crimes**



## Electronic Public Record Requests

Responding to public record requests is not for the faint of heart. Whether your department responds to formal requests in writing, or emails files outside the County, you should consider the consequences of your response.

"Some of the most sensitive information about people and their affairs are filed with County agencies; we are the Public's filing cabinet," says Jill Kennedy, Deputy County Attorney and member of the County's Public Records Advisory Committee.

As the County migrates from paper to electronically stored data, each department must address three important public record request control areas:

**"We are the Public's filing cabinet"**

**Data Security:** Microsoft Word ® documents can provide sensitive information through the Properties, View Comments, and Track Changes functions. Enterprising record recipients may access unrelated documents by peeling away layers of magnetic data on a floppy disk to reveal files not part of the original request.

### Data Integrity:

Public records sent in alterable formats such as Microsoft Excel ®, allow the recipient to change data, yet still appears attributable to the County.



**Jill Kennedy,  
Deputy County  
Attorney**

**Data Pricing:** In most cases, County departments are allowed to recover the cost of providing information from the requestor. Departments should include database infrastructure and maintenance as a factor in their pricing structure.

### Controls:



- Provide electronic record requests in a static form such as a PDF ® or read only format
- Use cleansed and sanitized mediums (new floppy disks) for when providing data
- Consult the Public Records Advisory Committee through the CIO's office for help with pricing

## Did You Know?

- County public record request policies can be found at [http://ebc.maricopa.gov/pp/admin/tocs/is\\_toc.asp](http://ebc.maricopa.gov/pp/admin/tocs/is_toc.asp)
- Voluntarily disclosing a record may prevent the record from being exempt from release in the future
- Confidential records are those records prevented by statute, court rule, or court order from disclosure

**Contact Internal Audit for internal control support at (602) 506-1585**

